STATE OF NEW YORK

4410

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to transition and inauguration receipts and expenditures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The election law is amended by adding a new article 18 to read as follows:

ARTICLE 18

TRANSITION AND INAUGURATION RECEIPTS AND EXPENDITURES

Section 18-100. Statements of receipts, contributions, transfers and expenditures to transition and inauguration entities.

18-101. Penalties.

§ 18-100. Statements of receipts, contributions, transfers and expenditures to transition and inauguration entities. 1. (a) An entity formed for the purpose of accepting donations and loans, and for making expenditures for transition or inauguration into office shall file, at the times prescribed by the board of elections, a statement with the board setting forth all the receipts, contributions to and the expenditures by and liabilities of the entity, and of its officers, members and agents on its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, and if the transferor, contributor or person is a political committee, the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. Any statement reporting a loan shall have attached to it a

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements.

(b) Disclosure reports shall be submitted at such times and in such form as the board of elections shall require and shall be clearly legible. The board of elections shall make available to the public a copy of these disclosure reports within two business days after they are accepted by the board of elections.

2. The final disclosure report submitted by such entity shall set forth the disposition of any funds remaining after all liabilities are paid, after which the entity shall be terminated. If an entity has funds remaining after all liabilities have been paid, it shall return those funds to one or more of the entity's donors, or if that is impracticable, dispose of the funds in a manner set forth by the board of elections.

§ 18-101. Penalties. 1. Any candidate whose transition or inauguration entity fails to file in a timely manner a statement or record required to be filed by this article or the rules of the board of elections in implementation thereof shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the chief enforcement counsel pursuant to section 16-114 of this chapter.

2. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a class A misdemeanor.

3. Any person who, acting as or on behalf of a candidate or transition or inauguration entity, under circumstances evincing an intent to violate such law, unlawfully accepts a contribution in excess of a contribution limitation established in this article, shall be required to refund such excess amount and shall be subject to a civil penalty equal to the excess amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections chief enforcement counsel.

4. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a class A misdemeanor.

5. Any person who shall, acting on behalf of a candidate or transition or inauguration entity, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the transition or inauguration of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this article, shall be guilty of a class E felony.

§ 2. This act shall take effect on the fifteenth of December next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.